

AGENDA

BOARD OF MAYOR AND ALDERMEN

July 20, 2004

**7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.
3. Presentation of certificates in recognition of the "Spring 2004" Photo Contest winners.
4. Presentation by representatives of Members First Credit Union.
5. Presentation by representatives of Gilbane regarding the World War II Memorial.

CONSENT AGENDA

6. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A. June 17, 2004...approving a request authorizing the City Solicitor to retain Atty. Nixon and his firm as outside counsel regarding challenging of the State Funding Law on Education. (Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith and Forest voted yea and Aldermen Guinta and Thibault unavailable.)

- B. June 18, 2004...unanimous approval of request regarding CIP Project Extensions.
- C. July 12 & 13...approving the placement of a referendum question on the September 14, 2004 Primary ballot as follows:
 - “A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2004, amending section 12 of the city of Manchester employees contributory retirement system to provide for an optional retirement annuity benefit?”
 - (Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, Shea, DeVries, Garrity, Smith, Thibault, Forest, Lopez and O’Neil voted yea. Alderman Guinta unavailable.)

Accept BMA Minutes

- D. Minutes of meetings held on March 30, 2004; April 6, 2004 (two meetings); April 19, 2004; April 20, 2004 (two meetings); May 4, 2004 (two meetings); May 18, 2004; May 24, 2004, May 25, 2004; June 1, 2004 (two meetings); June 2, 2004; June 8, 2004, and June 21, 2004.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Approve under supervision of the Department of Highways

- E. PSNH Pole Petition #11-999 located on Lodge Street;
PSNH Pole Petition #11-1000 located on Tarrytown Road; and
PSNH Pole Petition #12-182 located on Front Street.

Informational – to be Received and Filed

- F. Communication from Deputy City Solicitor Arnold submitting a copy of the decision rendered regarding the Riverfront arbitration.
- G. Communication from City Clerk Leo Bernier expressing his gratitude to the Board for the wonderful fruit arrangement sent to him during his recent absence.

- H.** Communication from Frank Thomas, Public Works Director, advising that all matching City funds for the 50/50 Sidewalk Program have been committed for FY2005.
- I.** Communication from Tom Bowen, Water Works Director, submitting the Manchester Water Works' Independent Auditor's Report for calendar year 2003.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- J.** Minutes of the Mayor's Utility Coordinating Committee meetings held on May 19 and June 16, 2004.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- K.** Minutes of MTA Commission meeting held on May 25, 2004 and the Financial and Ridership Reports for the month of May 2004.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- L.** Communications from Comcast advising of programming changes concerning premium services standardized pricing.
- M.** Communication from Ms. Collett Hill notifying the Board of the excellent service she received from Mr. Thomas Brolin of the Manchester Water Works.

Accept Funds and Remand for the Purpose Intended

- N.** Communication from the Public Works Director requesting acceptance of funds in the amount of \$25,000 from Construction Planning & Management of Salem, NH (owners of Washington Park Estates) for the purpose of resurfacing Country Club Drive.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

(Note: being referred for ordinance preparation and technical review.)

- O.** Communication from Georgie Reagan, Chair of the Art Commission, requesting the name of the Commission be officially changed to the Arts Commission.

COMMITTEE ON FINANCE

P. Bond Resolutions:

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000) for the 2005 CIP 411305, South Main Street Fire Station Rehabilitation Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred and Ten Thousand Dollars (\$2,410,000) for the 2005 CIP 510005, Park Facilities Improvement Program.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) for the 2005 CIP 710005, Major Fleet Upgrades Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred and Ten Thousand Dollars (\$1,710,000) For the 2005 CIP 710205, Public Works Infrastructure Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Hundred Eighty Thousand Dollars (\$280,000) for the 2005 CIP 710905, Parking & Traffic Improvements Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Million Eighty Thousand Dollars (\$6,080,000) for the 2005 CIP 711105, CSO-Phase 1 (Bremer Street) Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2005 CIP 711205, Replace Sludge Dewatering Equipment Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2005 CIP 711405, WSPS – Roof/HVAC/Piping Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2005 CIP 811305, Revaluation Update Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Four Million Four Hundred Forty Thousand Dollars (\$4,440,000) for the 2005 CIP 811405, Building Improvements Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Six Hundred Ninety Thousand Dollars (\$1,690,000) for the 2005 CIP 811505, Information/Public Safety Upgrades Project.”

Q. Resolutions:

“Amending the FY 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Five Thousand Nine Hundred Seventeen Dollars and Eighty One Cents (\$255,917.81) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the 2002 CIP 714302, Bridge Rehabilitation Project.”

“Amending the FY 2002 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the FY2002 CIP 714302 Bridge Rehabilitation Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Five Hundred Thirty Six Dollars (\$30,536) for FY2003 CIP 610403 Downtown Municipal Infrastructure Project.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Five Thousand Two Dollars (\$45,002) for 2004 CIP 410704 Streetsweeper.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Thousand Dollars (\$100,000) for FY2004 CIP 612304 MNHS Homebuyer Assistance Program.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Dollars (\$30,000) for FY2004 CIP 713204 Public Works ROW Improvement Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twelve Thousand Ten Dollars (\$112,010) for the 2005 CIP 214005 Wrap For Youth Resiliency Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Two Thousand Nine Hundred Sixty Four Dollars (\$242,964) for the 2005 CIP 410005 Comprehensive Wellness Matching Grant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Ninety Three Dollars (\$14,993.00) for FY2005 CIP 411405 Project Safe Neighborhoods Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2005 CIP 610105 Second Street Mill Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) for the 2005 CIP 710205 Public Works Infrastructure Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for the 2005 CIP 811605 Valley Cemetery Improvement Project.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2004.”

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- R.** Recommending that the Water Works and EPD Departments implement a system to accept electronic payments as outlined in the presentation by the Finance Department (enclosed herein), and that a \$3 convenience fee be charged for this service.

COMMITTEE ON BILLS ON SECOND READING

- S.** Recommending that Ordinances:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding an additional area to Residential Parking Permit Zone #1.”

ought to pass.

LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.

7. Communication from Andre Verville submitting his resignation as a member of the Zoning Board of Adjustment effective immediately.
Ladies and Gentlemen, what is your pleasure?
8. Communication from the Planning Department nominating Mr. Ray Clement to continue to serve as a representative to the Southern NH Planning Commission, term to expire on June 30, 2008.
Ladies and Gentlemen, what is your pleasure?
9. Nominations to be presented by Mayor Baines, if available.
10. Report(s) of the Committee on Community Improvement, if available.
Ladies and Gentlemen, what is your pleasure?
11. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
12. Mayor Baines calls the meeting back to order.

OTHER BUSINESS

13. Report(s) of the Committee on Finance, if available.

Ladies and Gentlemen, what is your pleasure?

14. Ordinances: **(A motion is in order to read by titles only.)**

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding an additional area to Residential Parking Permit Zone #1.”

These Ordinances having had their second reading by titles only, the question is on passing same to be Enrolled.

15. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

16. Mayor Baines calls the meeting back to order.

17. Report of the Committee on Accounts, Enrollment and Revenue Administration, if available.

Ladies and Gentlemen, what is your pleasure?

18. Communication from Alderman Osborne asking the Board to request the Committee on CIP to look at the possibility of earmarking \$300,000 each year over and above the \$550,000 for resurfacing streets and an additional \$200,000 annually for sidewalks where needed.

(Note: communication from Public Works Director supporting Alderman Osborne's proposal and consideration by the Board of same also enclosed.)

Ladies and Gentlemen, what is your pleasure?

19. Communication from Alderman Garrity requesting the name of the Brown-Mitchell Playground areas be renamed the Peter Burkush Ballfield and Robert J. Pariseau Playground in honor of their service to the City.

Ladies and Gentlemen, what is your pleasure?

20. Communication from Ron Ludwig, Director of Parks, Recreation & Cemetery, requesting authorization to proceed with the FY2005 CIP 510005 Parks Facilities Improvement Program so that playground equipment can be ordered for the Brown-Mitchell Playground project at this time.

Ladies and Gentlemen, what is your pleasure?

21. Communication from William Jabjiniak, Destination Manchester Coordinator, requesting approval to transfer Community Development Finance Authority (CDFA) funds originally allocated for Phase III of the Riverwalk Development plan to the "Hands Across the Merrimack" pedestrian bridge.

Ladies and Gentlemen, what is your pleasure?

22. Communication from Attorney Daniel Muller, Jr., submitting two proposed changes to the Lease of the McIninch Art Gallery between the City and the Manchester Artists' Association, as enclosed.

Ladies and Gentlemen, what is your pleasure?

23. Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, October 9, 2004.

A motion is in order to accept the funds, remand for the purpose intended, and authorize the Public Works Director to execute any documents necessary to carry out the project.

24. Communication from Kevin Sheppard, Deputy Public Works Director, advising that the Highway Commission has approved a request to rename Manhattan Lane from Auburn Street northerly to Cedar Street to *Harry Theo Lane*, effective August 1, 2004 unless otherwise directed by the Board.

Ladies and Gentlemen, what is your pleasure?

25. Communication from Ward 3 Selectmen requesting the relocation of the polling location from the Carol M. Rines Center Art Gallery to the Carol M. Rines Center Conference Room located in the lower level in order to meet State and Federal ADA guidelines.

Ladies and Gentlemen, what is your pleasure?

26. Communication from Ward 9 Selectmen requesting the relocation of the polling location from Blessed Sacrament Church at 14 Elm Street to the Bishop Leo E. O'Neil Youth Center at 30 So. Elm Street in order to meet State and Federal ADA guidelines.

Ladies and Gentlemen, what is your pleasure?

27. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

(Note: amount to be presented at meeting.)

Ladies and Gentlemen, what is your pleasure?

28. Ordinance submitted in conjunction with a poll conducted on June 17, 2004 relative to a request authorizing the City Solicitor to retain Atty. Nixon and his firm as outside counsel regarding challenging of the State Funding Law on Education.

A motion is in order to suspend the rules and place this Ordinance on its final reading by title only at this time without referral to the Committees on Bills on Second Reading or Accounts, Enrollment and Revenue Administration.

Following suspension of the rules

Ordinance: **(A motion is in order to read by title only.)**

“Establishing a special purchase procedure relating to the legal challenge to the Education Funding Law.”

This Ordinance having had its final presentation, the question is on passing same to be Ordained.

29. Ordinances: **(A motion is in order to read by titles only.)**

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding an additional area to Residential Parking Permit Zone #1.”

These Ordinances having had their third and final reading by titles only, the question is on passing same to be Ordained.

30. Resolutions: (A motion is in order to read by titles only.)

“Amending the FY 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Five Thousand Nine Hundred Seventeen Dollars and Eighty One Cents (\$255,917.81) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

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“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2004.”

A motion is in order that the Resolutions pass and be enrolled.

31. NEW BUSINESS

- a) Communications
- b) Aldermen

- 32.** Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

A motion is in order to recess the meeting to meet with the Chief Negotiator.

- 33.** Mayor Baines calls the meeting back to order.

- 34.** If there is no further business, a motion is in order to adjourn.